

**Representative Eric K. Hutchings** proposes the following substitute bill:

1                                   **BUDGET PRIORITY FOR IN-HOME AND**  
2                                   **COMMUNITY BASED LONG-TERM CARE**

3                                   2007 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Eric K. Hutchings**

6                                   Senate Sponsor: Ed Mayne

---

---

8 **LONG TITLE**

9 **General Description:**

10                   This bill amends the Budgetary Procedures Act to require the Legislature to consider  
11 prioritizing funding for programs to support in-home and community based support  
12 services for adults with long-term care needs.

13 **Highlighted Provisions:**

14                   This bill:

15                   ▶ amends the Budgetary Procedures Act to require the Legislature to consider  
16 prioritizing state spending on long-term care needs of adults for in-home and  
17 community based support services.

18 **Monies Appropriated in this Bill:**

19                   None

20 **Other Special Clauses:**

21                   None

22 **Utah Code Sections Affected:**

23 AMENDS:

24                   **63-38-2**, as last amended by Chapters 213 and 316, Laws of Utah 2006

---

---



26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **63-38-2** is amended to read:

28 **63-38-2. Governor to submit budget to Legislature -- Contents -- Preparation --**  
29 **Appropriations based on current tax laws and not to exceed estimated revenues.**

30 (1) (a) The governor shall, within three days after the convening of the Legislature in  
31 the annual general session, submit a budget for the ensuing fiscal year by delivering it to the  
32 presiding officer of each house of the Legislature together with a schedule for all of the  
33 proposed appropriations of the budget, clearly itemized and classified.

34 (b) The budget message shall include:

35 (i) a projection of estimated revenues and expenditures for the next fiscal year; and

36 (ii) the source of all direct, indirect, or in-kind matching funds for all federal grants or  
37 assistance programs included in the budget.

38 (2) At least 34 days before the submission of any budget, the governor shall deliver a  
39 confidential draft copy of his proposed budget recommendations to the Office of the  
40 Legislative Fiscal Analyst.

41 (3) (a) The budget shall contain a complete plan of proposed expenditures and  
42 estimated revenues for the next fiscal year based upon the current fiscal year state tax laws and  
43 rates.

44 (b) The budget may be accompanied by a separate document showing proposed  
45 expenditures and estimated revenues based on changes in state tax laws or rates.

46 (4) The budget shall be accompanied by a statement showing:

47 (a) the revenues and expenditures for the last fiscal year;

48 (b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and  
49 funds of the state;

50 (c) an estimate of the state's financial condition as of the beginning and the end of the  
51 period covered by the budget;

52 (d) a complete analysis of lease with an option to purchase arrangements entered into  
53 by state agencies;

54 (e) the recommendations for each state agency for new full-time employees for the next  
55 fiscal year; which recommendation should be provided also to the State Building Board under  
56 Subsection 63A-5-103(2);

57 (f) any explanation the governor may desire to make as to the important features of the  
58 budget and any suggestion as to methods for the reduction of expenditures or increase of the  
59 state's revenue; and

60 (g) the information detailing certain regulatory fee increases required by Section  
61 63-38-3.2.

62 (5) The budget shall include an itemized estimate of the appropriations for:

63 (a) the Legislative Department as certified to the governor by the president of the  
64 Senate and the speaker of the House;

65 (b) the Executive Department;

66 (c) the Judicial Department as certified to the governor by the state court administrator;

67 (d) payment and discharge of the principal and interest of the indebtedness of the state;

68 (e) the salaries payable by the state under the Utah Constitution or under law for the  
69 lease agreements planned for the next fiscal year;

70 (f) other purposes that are set forth in the Utah Constitution or under law; and

71 (g) all other appropriations.

72 (6) Deficits or anticipated deficits shall be included in the budget.

73 (7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall  
74 require from the proper state officials, including public and higher education officials, all heads  
75 of executive and administrative departments and state institutions, bureaus, boards,  
76 commissions, and agencies expending or supervising the expenditure of the state moneys, and  
77 all institutions applying for state moneys and appropriations, itemized estimates of revenues  
78 and expenditures.

79 (ii) (A) The governor may also require other information under these guidelines and at  
80 times as the governor may direct.

81 (B) These guidelines may include a requirement for program productivity and  
82 performance measures, where appropriate, with emphasis on outcome indicators.

83 (b) The estimate for the Legislative Department as certified by the presiding officers of  
84 both houses shall be included in the budget without revision by the governor.

85 (c) The estimate for the Judicial Department, as certified by the state court  
86 administrator, shall also be included in the budget without revision, but the governor may make  
87 separate recommendations on it.

88 (d) The governor may require the attendance at budget meetings of representatives of  
89 public and higher education, state departments and institutions, and other institutions or  
90 individuals applying for state appropriations.

91 (e) The governor may revise all estimates, except those relating to the Legislative  
92 Department, the Judicial Department, and those providing for the payment of principal and  
93 interest to the state debt and for the salaries and expenditures specified by the Utah  
94 Constitution or under the laws of the state.

95 (8) The total appropriations requested for expenditures authorized by the budget may  
96 not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing  
97 fiscal year.

98 (9) If any item of the budget as enacted is held invalid upon any ground, the invalidity  
99 does not affect the budget itself or any other item in it.

100 (10) (a) In submitting the budgets for the Departments of Health and Human Services  
101 and the Office of the Attorney General, the governor shall consider a separate recommendation  
102 in his budget for funds to be contracted to:

103 (i) local mental health authorities under Section 62A-15-110;

104 (ii) local substance abuse authorities under Section 62A-15-110;

105 (iii) area agencies under Section 62A-3-104.2;

106 (iv) programs administered directly by and for operation of the Divisions of Substance  
107 Abuse and Mental Health and Aging and Adult Services;

108 (v) local health departments under Title 26A, Chapter 1, Local Health Departments;  
109 and

110 (vi) counties for the operation of Children's Justice Centers under Section 67-5b-102.

111 (b) In his budget recommendations under Subsections (10)(a)(i), (ii), and (iii), the  
112 governor shall consider an amount sufficient to grant local health departments, local mental  
113 health authorities, local substance abuse authorities, and area agencies the same percentage  
114 increase for wages and benefits that he includes in his budget for persons employed by the  
115 state.

116 (c) If the governor does not include in his budget an amount sufficient to grant the  
117 increase described in Subsection (10)(b), he shall include a message to the Legislature  
118 regarding his reason for not including that amount.

119 (11) (a) In submitting the budget for the Department of Agriculture, the governor shall  
120 consider an amount sufficient to grant local soil conservation districts and Utah Association of  
121 Conservation District employees the same percentage increase for wages and benefits that he  
122 includes in his budget for persons employed by the state.

123 (b) If the governor does not include in his budget an amount sufficient to grant the  
124 increase described in Subsection (11)(a), he shall include a message to the Legislature  
125 regarding his reason for not including that amount.

126 (12) (a) In submitting the budget for the Utah State Office of Rehabilitation and the  
127 Division of Services for People with Disabilities, the Division of Child and Family Services,  
128 and the Division of Juvenile Justice Services within the Department of Human Services, the  
129 governor shall consider an amount sufficient to grant employees of corporations that provide  
130 direct services under contract with those divisions, the same percentage increase for  
131 cost-of-living that he includes in his budget for persons employed by the state.

132 (b) If the governor does not include in his budget an amount sufficient to grant the  
133 increase described in Subsection (12)(a), he shall include a message to the Legislature  
134 regarding his reason for not including that amount.

135 (13) (a) The Families, Agencies, and Communities Together Council may propose to  
136 the governor under Subsection 63-75-4(4)(e) a budget recommendation for collaborative  
137 service delivery systems operated under Section 63-75-6.5.

138 (b) The Legislature may, through a specific program schedule, designate funds  
139 appropriated for collaborative service delivery systems operated under Section 63-75-6.5.

140 (14) The governor shall include in his budget the state's portion of the budget for the  
141 Utah Communications Agency Network established in Title 63C, Chapter 7, Utah  
142 Communications Agency Network Act.

143 (15) (a) The governor shall include a separate recommendation in the governor's  
144 budget for funds to maintain the operation and administration of the Utah Comprehensive  
145 Health Insurance Pool.

146 (b) In making the recommendation the governor may consider:

147 (i) actuarial analysis of growth or decline in enrollment projected over a period of at  
148 least three years;

149 (ii) actuarial analysis of the medical and pharmacy claims costs projected over a period

150 of at least three years;

151 (iii) the annual Medical Care Consumer Price Index;

152 (iv) the annual base budget for the pool established by the Commerce and Revenue  
153 Appropriations Subcommittee for each fiscal year;

154 (v) the growth or decline in insurance premium taxes and fees collected by the tax  
155 commission and the insurance department; and

156 (vi) the availability of surplus General Fund revenue under Section 63-38-2.5 and  
157 Subsection 59-14-204(5)(b).

158 (16) In adopting a budget for each fiscal year, the Legislature shall consider an amount  
159 sufficient to grant local health departments, local mental health authorities, local substance  
160 abuse authorities, area agencies on aging, soil conservation districts, and Utah Association of  
161 Conservation District employees the same percentage increase for wages and benefits that is  
162 included in the budget for persons employed by the state.

163 (17) (a) In adopting a budget each year for the Utah Comprehensive Health Insurance  
164 Pool, the Legislature shall determine an amount that is sufficient to fund the pool for each  
165 fiscal year.

166 (b) When making a determination under Subsection (17)(a), the Legislature shall  
167 consider factors it determines are appropriate, which may include:

168 (i) actuarial analysis of growth or decline in enrollment projected over a period of at  
169 least three years;

170 (ii) actuarial analysis of the medical and pharmacy claims costs projected over a period  
171 of at least three years;

172 (iii) the annual Medical Care Consumer Price Index;

173 (iv) the annual base budget for the pool established by the Commerce and Revenue  
174 Appropriations Subcommittee for each fiscal year;

175 (v) the growth or decline in insurance premium taxes and fees collected by the tax  
176 commission and the insurance department from the previous fiscal year; and

177 (vi) the availability of surplus General Fund revenue under Section 63-38-2.5 and  
178 Subsection 59-14-204(5)(b).

179 (c) The funds appropriated by the Legislature to fund the Utah Comprehensive Health  
180 Insurance Pool as determined under Subsection (17)(a):

181 (i) shall be deposited into the enterprise fund established by Section 31A-29-120; and  
182 (ii) are restricted and are to be used to maintain the operation, administration, and  
183 management of the Utah Comprehensive Health Insurance Pool created by Section  
184 31A-29-104.

185 (18) In adopting a budget each year for the Department of Health and the Department  
186 of Human Services, the Legislature shall consider:

187 (a) funding of long-term care needs for the elderly and disabled; and

188 (b) prioritizing for spending on in-home and community based support services for  
189 adults with long-term care needs.

190 [~~18~~] (19) In considering the factors in Subsections (15)(b)(i), (ii), and (iii) and  
191 Subsections (17)(b)(i), (ii), and (iii), the governor and the Legislature may consider the  
192 actuarial data and projections prepared for the board of the Utah Comprehensive Health  
193 Insurance Pool as it develops its financial statements and projections for each fiscal year.

---

---

**Fiscal Note****H.B. 249 2nd Sub. (Gray) - Budget Priority for In-home and Community  
Based Long-term Care**

2007 General Session

State of Utah

---

---

**State Impact**

Enactment of this bill will not require additional appropriations. Any fiscal impact would depend on legislative appropriations and/or shifting of resources between programs or departments.

---

**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments. Any benefit to individuals would depend on legislative action.

---